

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SAYVION D. BLOUNT,

Plaintiff,

v.

5:20-CV-937
(GTS/TWD)

COUNTY OF ONONDAGA; CITY OF SYRACUSE;
TIMOTHY ROULAN; JOSEPH CENTRA;
JANELLE N. ECKER; IAN DUQUETTE; and
ANDREW TORRANCE,

Defendants.

APPEARANCES:

SAYVION D. BLOUNT, 20-A-1115

Plaintiff, *Pro Se*

Fishkill Correctional Facility

P.O. Box 1245

Beacon, New York 12508

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Sayvion D. Blount (“Plaintiff”) against the County of Onondaga, the City of Syracuse, and the five above-captioned individuals (“Defendants”) alleging civil rights claims pursuant to 42 U.S.C. § 1983, is United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiffs’ Amended Complaint (Dkt. No. 16) be *sua sponte* dismissed in its entirety and without further leave to amend for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b), with Plaintiff’s Section 1983 claims being *sua sponte* dismissed with prejudice, and Plaintiff’s state law claims being *sua sponte* dismissed without prejudice to

refiling in state court. (Dkt. No. 17.) Plaintiff has not filed an objection to the Report-Recommendation, and the time in which to do so has expired despite the granting of three extensions. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No.17) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

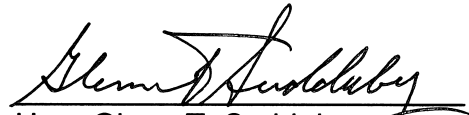
ORDERED that Plaintiffs' Amended Complaint (Dkt. No. 16) is *sua sponte* **DISMISSED** in its entirety and without further leave to amend for failure to state a claim pursuant to 28 U.S.C. §1915(e)(2)(B) and 28 U.S.C. § 1915A(b) such that Plaintiff's Section 1983 claims are **DISMISSED** with prejudice and his state law claims are **DISMISSED** without prejudice to refiling in state court within the governing time period.

The Court certifies that an appeal from this Decision and Order would not be taken in

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

good faith.

Dated: August 30, 2021
Syracuse, New York



Hon. Glenn T. Suddaby
Chief U.S. District Judge